

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM MCELROY,

Plaintiff,

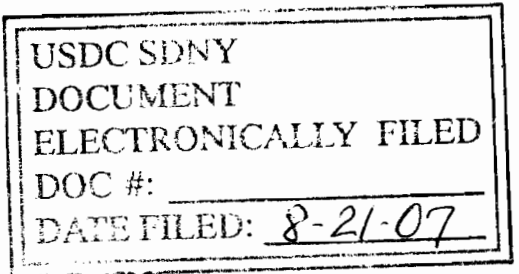
-v-

JOEL I. KLEIN, AS CHANCELLOR OF THE
NEW YORK CITY DEPARTMENT OF
EDUCATION, THE NEW YORK CITY
DEPARTMENT OF EDUCATION, AND THE CITY
OF NEW YORK,

Defendants.
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05 Civ. 5437 (JSR)

ORDER



JED S. RAKOFF, U.S.D.J.

On June 26, 2007, the Honorable James C. Francis IV, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending that plaintiff's and defendants' cross-motions for summary judgment each be granted in part and denied in part. Subsequently, on July 11, 2007, defendants submitted objections to certain portions of the Report and Recommendation, and, on July 25, 2007, plaintiff submitted a response to defendants' objections. Accordingly, the Court has reviewed the motions and the underlying record de novo.

Having done so, the Court finds itself in complete agreement with Magistrate Judge Francis's Report and Recommendation and hereby adopts its reasoning by reference. Accordingly, (a) plaintiff's motion for summary judgment as to liability on his claims under the FLSA and New York Labor Law is hereby granted, but the issue of damages is reserved for trial, (b) defendants' motion for summary judgment on plaintiff's claim for breach of contract is hereby granted with regard to the position as computer technician, but is hereby denied with regard to the school aide position, (c) defendants' motion for summary

judgment on plaintiff's claim for quantum meruit is hereby denied, and
(d) the City of New York is hereby dismissed as a defendant.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Jed S. Rakoff', is written over a horizontal line.

JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
August 20, 2007